

Plaintiff shall file a response, not to exceed three pages, to the letter below as soon as possible, and no later than **October 15, 2024 at 12:00 P.M.** The deadline to file the joint letter and the proposed case management plan is extended to **October 18, 2024 at 12:00 P.M.**

**By ECF**

Dated: October 10, 2024  
New York, New York

Honorable Lorna G. Schofield  
United States District Judge  
Southern District of New York  
40 Foley Square  
New York, NY 10007

  
**LORNA G. SCHOFIELD**

**UNITED STATES DISTRICT JUDGE**

Re: *Vargas v. Barclays Bank Delaware*  
Case No. 1:24-cv-06549-LGS  
Letter Motion for Adjournment of Deadline to Submit Joint Letter

Dear Judge Schofield:

We represent Defendant Barclays Bank Delaware (“Barclays”) in the above-captioned matter. We write to request that the parties’ deadline to submit a pre-conference joint letter, currently October 16, 2024, *see* ECF No. 5, be adjourned *sine die*. This is Barclays’s first request to adjourn this deadline.

Barclays intends to move to compel arbitration and the parties are currently in the process of exchanging letters pursuant to Your Honor’s Individual Civil Rule III.A.3, with Plaintiff’s response being due on October 11, 2024. Although Plaintiff has refused to disclose any information regarding his Barclays account(s), including even the type of account he holds or the date on which it was opened,<sup>1</sup> he has indicated that he does have a Barclays account, which means that he agreed to an arbitration clause covering his claims. Because Plaintiff has brought this suit in the wrong forum, we respectfully submit that the case management letter process should be deferred while the threshold issue of whether Plaintiff’s claims must be arbitrated is resolved. It would be more efficient for the Court and the parties to first address the question whether this case belongs in federal court (and should therefore be subject to the Federal Rules of Civil Procedure) and no party would be prejudiced by a short delay while the threshold issue of the proper forum

---

<sup>1</sup> Plaintiff’s counsel has refused to share any information about Plaintiff’s account without a court-ordered confidentiality order, despite Barclay’s counsel’s agreement to keep all information confidential—including information that is clearly not confidential, like the type of account Plaintiff holds, the account number, or the date on which the account was opened.

# SIDLEY

Page 2

for this dispute is resolved, whether by the Court or through the parties' meet and confer letter process.

Counsel for Plaintiff has informed us that he opposes this request. We respectfully defer to the Court as to whether the telephonic conference, scheduled for October 23, 2024, should proceed despite any adjournment of the joint letter submission date. For the avoidance of doubt, Barclays reserves and does not waive its right to arbitration.

Respectfully submitted,

Amy P. Lally (*pro hac vice* forthcoming)  
SIDLEY AUSTIN LLP  
1999 Avenue of the Stars, 17th Floor  
Los Angeles, CA 90067  
Telephone: (310) 595-9500  
Facsimile: (310) 595-9501  
Email: [alally@sidley.com](mailto:alally@sidley.com)

By: /s/ Christina Prusak Chianese  
Christina Prusak Chianese  
SIDLEY AUSTIN LLP  
787 Seventh Avenue  
New York, NY 10019  
Telephone: (212) 839-5300  
Facsimile: (212) 839-5599  
Email: [cchianese@sidley.com](mailto:cchianese@sidley.com)

Ian M. Ross (*pro hac vice* forthcoming)  
SIDLEY AUSTIN LLP  
1001 Brickell Bay Drive  
Miami, FL 33131  
Telephone: (305) 391-5100  
Facsimile: (305) 391-5101  
Email: [iross@sidley.com](mailto:iross@sidley.com)

*Counsel for Defendant Barclays Bank  
Delaware*

cc: All counsel of record (via ECF)